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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,366	02/25/2002	Walter Kastenhuber	50606	1346

26474 7590 01/13/2004  
KEIL & WEINKAUF  
1350 CONNECTICUT AVENUE, N.W.  
WASHINGTON, DC 20036

EXAMINER

SORKIN, DAVID L.

ART UNIT PAPER NUMBER

1723

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. <sup>AS</sup>
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EXAMINER
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ART UNIT	PAPER
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104

DATE MAILED:

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Commissioner for Patents

**Notice of Non-compliance with 37 CFR 1.121(c)**

1. The amendment to the claims filed 29 December 2003 fails to comply with rule 121(c) in the following two aspects:

- a. The claims are not accurately marked-up relative to the previously filed claims.
- b. Claims which are amended therein are marked "(original)".

A detailed explanation of these two issues is provided in the paragraphs below.

According to USPTO records, prior to the 29 December 2003 amendment, claims filed 25 February 2002 were pending. If applicant's records do not agree with those of the USPTO, applicant is requested to inform the examiner.

2. Each of the following claims is inaccurately marked-up or improperly not marked-up: 1, 2, 3, 5, 6, 7, 8, 11 and 12. For example,

- a. In claim 1, the marked-up copy indicates that the word "curred" has been deleted; however, no such word was previously present.
- b. Claim 2 is not marked-up although the word "exit" has been deleted, the phrase "of entry into the pumping spaces" has been inserted, and "from the impeller (28)" has been deleted.
- c. Claim 3 is not marked-up although the word "exit" has been deleted, the phrase "of entry into the pumping spaces" has been inserted, and "preferably" has been deleted.
- d. In claim 5, the marked-up copy indicates that the word "curred" has been deleted; however, no such word was previously present.

- e. In claim 6, the marked-up copy indicates that the word "curred" has been deleted; however, no such word was previously present.
- f. In claim 7, the marked-up copy indicates that the word "curred" has been deleted; however, no such word was previously present.
- g. In claim 8, the marked-up copy indicates that the word "curred" has been deleted; however, no such word was previously present.
- h. In claim 11, the marked-up copy indicates that the word "curred" has been deleted; however, no such word was previously present.
- i. In claim 12, the deletion of "in particular impellers (28)" has not been indicated.
- j. In claim 12, in two instances, the marked-up copy indicates that the word "curred" has been deleted; however, no such word was previously present.
- k. In claim 12, the change of "impellers" to - impeller - - has not been indicated.
- l. In claim 12, the change of "the hub(1) of an impeller (28)" to -- the hub (1) of the impeller (28) -- has not been indicated.

Applicant is required to submitted an accurately marked-up version of the amended claims, including, but not limited to, correction of the above deficiencies.

- 3. Claims 2 and 3 are identified as "(original)" even though they are amended.
- 4. Applicant reiterates in applicants remarks filed with the 29 December 2003 amendment that "[t]he amendments to claims 5-8 and 11 are limited to the correcting typographical error 'curred to read 'curved'"; however, the USTPO version of the

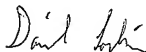
previous claims does not included "curred" (or anything similar thereto). Applicant's cooperation in clarifying the prosecution history of the application is request. Applicant is requested to state the filing date of the claims which applicant wishes to amend.

Since the reply filed 29 December 2003 appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH OR THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Sorkin whose telephone number is 571-272-1148. The examiner can normally be reached on 9:00 -5:30 Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



David Sorkin